

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CURTIS PAUL BARKLEY,	)	
	)	
and	)	
	)	
LINDA BARKLEY,	)	
	)	No. 1:18-CV-00175 JAR
Plaintiffs,	)	
	)	
v.	)	
	)	
AMAZON.COM, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs Curtis and Linda Barkley’s Motion to Remand to State Court. (Doc. 10.) Plaintiffs each submitted an affidavit swearing that they will neither seek nor accept any recovery in excess of \$74,900.00. (Docs. 10-1, 10-2.) Defendant consents to remand and asks this Court to order Plaintiffs to file a binding stipulation in the state court that they will not seek or accept any recovery in excess of \$74,900. (Doc. 12.)

Federal courts have jurisdiction over cases raising state-law claims only if the parties are diverse and “where the amount in controversy exceeds the sum or value of \$75,000. 28 U.S.C. § 1332(a). “A federal court’s jurisdiction is measured at the time of filing, or, for a removed case, at the time of removal,” but post-removal affidavits may “be considered to resolve whether the district court has jurisdiction.” *Evans-Mitchell v. Healy*, No. 4:17CV00276 PLC, 2017 WL 840544, at \*2 (E.D. Mo. Mar. 3, 2017) (citations omitted).

Plaintiffs’ complaint states that they seek less than \$75,000. (Doc. 3.) Combined with their

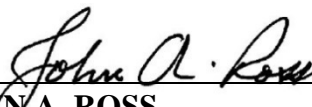
sworn affidavits (Docs. 10-1, 10-2), the Court concludes that it lacks jurisdiction over this case. Because the Court lacks jurisdiction, it cannot order Plaintiffs to file any stipulation in state court, as Defendant asks.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs Curtis and Linda Barkley's Motion to Remand to State Court (Doc. 10), is **GRANTED**.

**IT IS FURTHER ORDERED** that this matter is **REMANDED** to the Circuit Court for the Circuit Court of Butler County, Missouri.

Dated this 19th day of September, 2018.

  
\_\_\_\_\_  
**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**